

1. That the Order Confirming the Chapter 13 Plan of the Debtors was filed pursuant to Chapter 13 of the United States Bankruptcy Code on 4 January 2010;
2. That this is a core proceeding under 28 U.S.C. Section 157(b)(2)(I);
3. That venue is proper under 28 U.S.C. Section 1409(a);

4. That the Chapter 13 Trustee holds the position of a hypothetical lien creditor with rights of a bona fide purchaser of real property pursuant to the provisions of 11 U.S.C. Section 544(a)(3);
5. That the Debtor, CATHERINE M. COPAS, is the owner of residential real property located at 3860 Frazier Road West, Columbus, Ohio 43207;
6. That the real estate of the Debtor was appraised for an uncontested fair market valuation of \$69,000.00 as of the date of the filing of the bankruptcy – said written appraisal was filed on 23 October 2009;
7. That said real estate is more specifically described as:

Real Property in the City of Columbus, County of Franklin, State of Ohio, and is described as follows: Being Lot Number One Hundred Fourteen (114) in SOUTHERN PINES SECTION NO. 1, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 36, Page 32, Recorder's Office, Franklin County, Ohio;

8. That the residential real estate is subject to a first mortgage lien to U.S. BANK, N.A. (SUCCESSOR IN INTEREST TO FIFTH THIRD MORTGAGE COMPANY) with the approximate outstanding balance at the time of the filing of the bankruptcy of \$83,460.70 (Franklin County Recorder's Office Instrument No. 200806100088811, filed for record on 10 June 2008);
9. That the residential real estate is subject to a second mortgage lien to U.S. BANK, N.A. (SUCCESSOR IN INTEREST TO OHIO HOUSING FINANCE AGENCY) with the approximate outstanding balance at the time of the filing of bankruptcy of \$3,296.00 (Franklin County Recorder's Office Instrument No. 200806100088830, filed for record on 10 June 2008);
10. That the second mortgage lien to U.S. BANK, N.A. (SUCCESSOR IN INTEREST TO OHIO HOUSING FINANCE AGENCY) is junior to the superior lien of the first mortgage to U.S. BANK, N.A. (SUCCESSOR IN INTEREST TO FIFTH THIRD MORTGAGE COMPANY);
11. That there exists insufficient equity in the residential real estate to deem the second mortgage in favor of U.S. BANK, N.A. (SUCCESSOR IN INTEREST TO OHIO HOUSING FINANCE AGENCY) as secured; and,
12. That pursuant to the pertinent provisions of 11 U.S.C. Section 506(a) and 506(d) as made applicable in this case by 11 U.S.C. Section 1325(a)(5), U.S. BANK, N.A. (SUCCESSOR IN INTEREST TO OHIO HOUSING FINANCE AGENCY) is not the holder of a secured claim as it relates to the second mortgage claim as that term is defined in the United States Bankruptcy Code.

THEREFORE, it is

ORDERED that the Motion to Avoid the Second Mortgage of Mortgagee U.S. BANK, N.A. (SUCCESSOR IN INTEREST TO OHIO HOUSING FINANCE AGENCY). is granted. Unless the bankruptcy case is dismissed, the mortgage lien of said Mortgagee is hereby avoided, released, satisfied and forever discharged as to the real estate described as 3860 Frazier Road West, Columbus, Ohio 43207;

IT IS FURTHER ORDERED that the mortgage lien of said Mortgagee shall not survive this bankruptcy case or affix to or remain enforceable against the aforementioned property of the Debtor;

IT IS FURTHER ORDERED that upon successful completion of the Chapter 13 plan of repayment, said Mortgagee shall file a satisfaction of the second mortgage with the applicable county recorder's office; and,

IT IS FURTHER ORDERED that the Recorder for the Franklin County Recorder's Office shall forthwith avoid and cancel the second mortgage held by U.S. BANK, N.A. (SUCCESSOR IN INTEREST TO OHIO HOUSING FINANCE AGENCY), Instrument No. 200806100088830, filed for record on 10 June 2008.

APPROVED:

/s/ Mark Albert Herder

Mark Albert Herder (0061503)

Attorney for the Debtor

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Copies to: Default List

U.S. BANK, N.A. (SUCCESSOR IN INTEREST TO OHIO HOUSING FINANCE AGENCY),
425 Walnut Street, Cincinnati, Ohio 45202

UNITED STATES NATIONAL ETC., Statutory Agent for U.S. BANK, N.A., 425 Walnut Street,
Cincinnati, Ohio 45202

In Re: Copas – Case No. 09-62342

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